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HUMAN RIGHTS COMMITTEE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Third periodic reports of States parties
due in 1992

Addendum

MEXICO*

During the consideration by the United Nations Human Rights Committee of the third periodic report of the Government of Mexico regarding the implementation of the International Covenant on Civil and Political Rights which took place in New York on 28 and 29 March 1994, all the questions put by the Committee were answered with the exception of two, for which the material needed for a reply was not available.

Accordingly, the relevant authorities were requested to supply that information and the Government of Mexico herewith presents its replies to those questions, which it considers to be a satisfactory response to all the issues raised by the Committee during the examination of the report.

1. The first question is that put by Mr. Kurt Herndl of Austria concerning the dispute at Volkswagen de México in 1992.

The information provided by the Office of the Secretary for Labour and Social Welfare in this respect is as follows:

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* This document contains supplementary information submitted by Mexico pursuant to the consideration of its third periodic report (CCPR/C/76/Add.2) at the Committee's 1302nd to 1305th meetings held on 28 and 29 March 1994.

Volkswagen de México, situated in the city of Puebla, Puebla, employs 11,682 workers belonging to the Independent Union of the Automotive and Related Industries "Volkswagen de México".

In late July 1992, a group of workers called a work stoppage at the Volkswagen plant with the aim of ousting the members of the Executive Committee of their union. It should be mentioned that, in the interests of respecting trade union freedom, the labour authorities cannot intervene in internal union disputes.

As a result of this stoppage, the company notified the Federal Conciliation and Arbitration Board, which is the labour tribunal that deals with disputes among workers or between workers and employers, of the termination of individual and collective relations with its workers on the grounds that it was unable to carry on its business for reasons of force majeure.

On 7 August 1992, a hearing was held in order to establish, on the basis of the evidence adduced both by the company and by the union and the dissident workers, whether the force majeure invoked by the company actually existed. It should be specified that, as provided for by law, this hearing was public and the participants were not subjected to any restrictions.

On 17 August 1992, the Federal Conciliation and Arbitration Board handed down its decision, declaring the notification of termination of individual and collective relations to be justified.

The union nevertheless asked the labour authorities to take action to ensure that the company did not suspend its activities in Mexico, thus permitting the re-establishment of worker-employer relations and the resumption of Volkswagen's industrial activities in early September 1992.

Since that date the company has been operating normally, and in fact the collective employment contract that governs relations with its workers was completely revised in 1993 and 1994.

It should be mentioned that strikes are duly regulated in Mexico and that in any event this case does not involve a strike but, rather, an internal union dispute which caused the work stoppage.

2. The second question is the issue raised by Mr. Agapito González Cavazos.

On this point, the Office of the Secretary for Labour and Social Welfare indicated that it had requested information from the Federal Tax Procurator, this being a tax rather than a labour matter. The information supplied was as follows:

The then Directorate-General for Federal Tax Auditing (currently the General Administration for Federal Tax Auditing) submitted a communication to the Federal Tax Procurator on 7 February 1992, together with the auditor's report, annexes and a statement of outstanding taxes with the respective

financial details regarding the taxpayer Agapito González Cavazos, on the basis of which the Office of the Secretary for Finance and Public Credit filed a complaint against Mr. González Cavazos on 10 February 1992.

By reason of the foregoing and on the same date the Federal Attorney-General's Office instituted preliminary investigation 584/FEB/92 against Mr. González Cavazos for tax fraud and comparable offences with the Sixth District Criminal Court of the Federal District (case No. 7/92-III).

An arrest warrant was issued on 12 February 1992 and was served on the accused the following day at the Los Angeles del Pedregal Hospital, where he was a patient. He was thus placed at the disposal of the court.

On 14 February 1992, a detention order was issued against Agapito González Cavazos for tax fraud and comparable offences. In addition, the Sixth District Criminal Judge waived his jurisdiction in favour of the Fourth District Court of the State of Tamaulipas (case No. 32/92), a decision against which both parties appealed.

On 5 October 1992, the judge of the second court of the nineteenth circuit in Ciudad Victoria, Tamaulipas, modified that order (criminal roster 249/92-A-II) so as to refer only to offences comparable to tax fraud, and a detention order was drawn up on that basis.

On 15 November 1933, the Fourth District Judge of the State of Tamaulipas sentenced Agapito González Cavazos to three years' imprisonment for offences comparable to tax fraud, as provided for in article 109 (I) of the Federal Tax Code.

The judge nevertheless allowed Mr. González Cavazos to remain at liberty because of his age and poor health.

On 5 October 1992, the General Administration for Federal Tax Auditing informed the Federal Tax Procurator that the tax owed by Mr. Agapito González Cavazos had been paid in full.